

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AGREEMENT is entered into 27 December, 2000
pursuant to Arizona Revised Statutes Sections 11-951 through 11-954, as amended between the STATE
OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the
City of Flagstaff, acting by and through its Mayor and City Council, (the "City")

I. RECITALS

1 The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this
agreement and has by resolution, a copy of which is attached hereto and made part hereof, resolved to
enter into this agreement and has delegated to the undersigned the authority to execute this agreement
on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this
agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to
enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the
City.

3. The State has an existing traffic signal on B-40 at Steves Blvd , and the City has an existing
traffic signal at the intersection of Steves Blvd. and Industrial Drive one block South. The BNSFRR tracks
lie between the two traffic signals. The State and the City desire to interconnect and coordinate the two
traffic signals to prevent conflicts in the two signals for the safety and benefit of the traveling public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

=====

NO 24398
Filed with the Secretary of State
Date Filed 12/27/00
Shirley Dayless
Secretary of State
Dicky J. Gruenewald

II. SCOPE OF WORK

1. The State will:

a. Accept ownership of the traffic signal equipment at the intersection of Steves Blvd and Industrial Drive. Interconnect that signal with the (existing) State traffic signal at B-40 and Steves Blvd.

b. Upon completion of the interconnect, provide maintenance to the signal at Steves Blvd and Industrial Drive, by incorporating it into the Northern Region signal maintenance program.

2. The City will:

Upon completion of the interconnect, continue to provide electrical energy to operate both the signals

II. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State

2. This agreement shall remain in force and effect until cancelled by either party, upon 30 days written notice to the other, except for and provisions for maintenance and electrical energy, which shall be perpetual

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereby agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, AZ. 85007

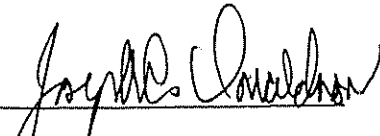
City of Flagstaff
City Manager
211 West Aspen Avenue
Flagstaff, AZ. 86001-5399

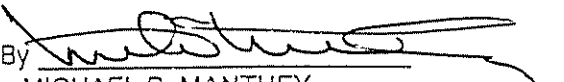
7. Attached hereto is the written determination of each party's legal counsel the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF FLAGSTAFF

STATE OF ARIZONA
Department of Transportation

By 
Mayor

By 
MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

By 
CAROLYN JAGGER
City Clerk

98-188 doc
10july

RESOLUTION

BE IT RESOLVED on this 19th day of October 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Flagstaff for the purpose of defining responsibilities for the construction of a traffic signal interconnect between B-40 @ Steves Blvd. and Steves Blvd. @ Industrial Drive.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

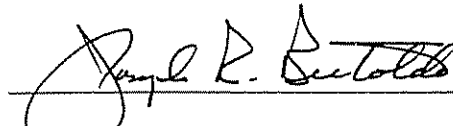
A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

APPROVAL OF THE FLAGSTAFF CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF FLAGSTAFF and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 6th day of SEPTEMBER, 2000.



City Attorney

RESOLUTION NO. 2000-79

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, AND THE CITY OF FLAGSTAFF FOR INTERCONNECTION OF THE TRAFFIC SIGNAL AT STEVES BOULEVARD AND INDUSTRIAL DRIVE

WHEREAS, the State of Arizona acting by and through the Department of Transportation ("State") has an existing traffic signal on B-40 at Steves Boulevard, and the City of Flagstaff ("City") has an existing traffic signal at the intersection of Steves Boulevard and Industrial Drive; and

WHEREAS, the State and the City desire to enter into an intergovernmental agreement ("Agreement"), a copy of which is designated "Exhibit A," attached to and made a part hereof, for purposes of setting forth the terms and conditions for interconnecting and coordinating the two traffic signals to prevent conflicts in the two signals, all for the safety and benefit of the traveling public; and

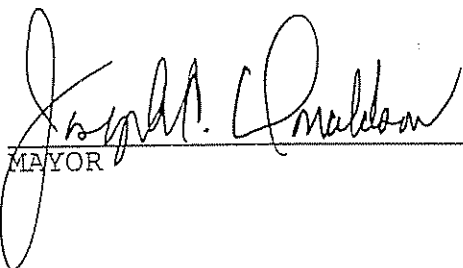
WHEREAS, the State and the City now desire to obtain City Council approval for entry into the Agreement; and

WHEREAS, the City Council has reviewed the proposed Agreement and determined that the purpose of the Agreement would be beneficial to the public safety;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That the Agreement attached to this Resolution be hereby approved, and the Mayor be authorized and directed to execute the Agreement on behalf of the City of Flagstaff.

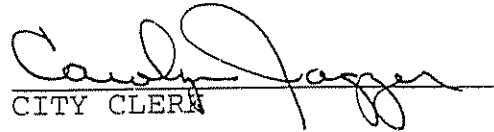
PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 5th day of September 2000.


MAYOR

RESOLUTION NO. 2000-79

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ATTEST:


CITY CLERK

APPROVED TO AS FORM:


CITY ATTORNEY



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

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Direct: (602) 542-8855
Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025
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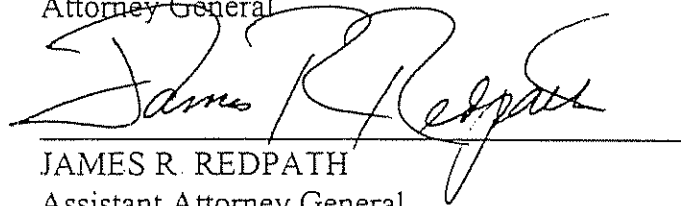
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-2400TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED December 19, 2000.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:ggt

Enc.

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